

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

NICOLE LEIGH THOMAS,

Plaintiff,

v.

CIVIL ACTION NO. 3:20-0337

ANDREW SAUL, Commissioner  
of the Social Security Administration,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Claimant's request to reverse the Commissioner's decision (ECF No. 13), deny the Commissioner's request to affirm his decision (ECF No. 17), reverse the final decision of the Commissioner, and remand this action for further proceedings. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **GRANTS** Claimant's request to reverse the Commissioner's decision (ECF No. 13), **DENIES** the Commissioner's request to affirm his decision (ECF No. 17), **REVERSES** the final decision of the Commissioner, and **REMANDS** this action for further proceedings, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: May 21, 2021

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE